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C O N F I D E N T I A L SECTION 01 OF 02 SANAA 000146

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SUBJECT: REGIONAL CONFERENCE ON DEMOCRACY, HUMAN RIGHTS AND THE INTERNATIONAL CRIMINAL COURT (ICC)

REF: A. 03 SANAA 2754

1B. 03 SANAA 2839

Classified By: Ambassador Edmund J. Hull for Reasons 1.5 (b,d)

11. (U) Summary and Comment: The Sanaa Inter-Governmental Regional Conference on Democracy, Human Rights and the Role of the International Criminal Court was held January 10-12, sponsored by No Peace Without Justice (an EU-affiliated NGO), the ROYG, the European Union and several European governments and Canada. Participants included a wide variety of government and civil society representatives from the Middle East and beyond. The U.S. was represented by the Ambassador and kept a low profile because of the Conference's ICC component. The opportunity to discuss ideas of democracy and human rights regionally and a Declaration establishing a set of principles on democracy, human rights and the rule of law present a step in the right direction for democratic advancement. However, the rhetoric far exceeded practical commitments to real democratic change. End Summary and Comment.

Background on Conference: Organizers, Goals, Participants

12. (U) The Conference was the brainchild of No Peace Without Justice (NPWJ) founder Emma Bonino, a former European Commissioner for Humanitarian Affairs who has close personal ties to Yemen. NPWJ organized several conferences outside the Middle East on the International Criminal Court (ICC) and was looking for a host in the region. Several months ago, Bonino approached the ROYG Minister of Human Rights Amat al-Alim al-Suswa. The Minister told Pol/Econ Deputy that she expressed reservations on the irony of the ROYG hosting a conference to convince themselves and fellow governments to ratify the Rome Statute (ICC). However, ultimately the ROYG expanded the aims of the Conference to include democracy and human rights and agreed to host it.

13. (C) The Conference was organized by NPWJ and the ROYG, and sponsored by the European Union, Canada, Germany, France, Ireland, Italy, Netherlands, Switzerland, United Kingdom, UNDP and the Open Society Institute. Participants included Arab and Islamic governments (including Iraqi GC Minister of Human Rights and an Afghani delegation), neighboring African states, the Arab League, the United Nations, the United States and European governments and civil society activists from the region and the West. It was organized into plenary sessions and smaller "thematic sessions" on: the ICC; Democracy and Human Rights; and the Role of Civil Society in Democracy, Human Rights and the Rule of Law. Note: Because of the Conference's ICC component and originally unclear aims, the USG delegation was low-key and led by the Ambassador. Prominent U.S. NGO representatives included participants from the National Democratic Institute and Partners for Democratic Change. The DCM delivered remarks during the Democracy and Human Rights thematic session on the importance of democracy, President Bush's vision as outlined in his November 6 speech, the Middle East Partnership Initiative and practical steps needed to advance democracy. End Note.

Sanaa Declaration Calls For
Furthering Democracy and Human Rights in the Arab World;
ICC Ratification Downplayed

14. (U) The "Sanaa Declaration on Democracy, Human Rights and the Role of the International Criminal Court" outlines 12 principles on democracy, human rights and the rule of law, including specific references to the importance of representative institutions, civil society, effective judicial systems, combating corruption and free and independent media. The participants agreed to 10 specific points, including to "work seriously" to fulfill the 12 principles, empower women, ensure equality, establish a free and independent judiciary and establish an Arab Democratic Dialogue Forum to continue the dialogue on democracy and human rights. Despite the original aims of the Conference to promote ratification of the ICC, the ICC was mentioned only

once in the Declaration as one avenue to strengthen international judicial institutions.

15. (C) The U.S. delegation did not participate in the closed-session Declaration negotiations, which were attended by the regional government participants and the organizing European countries. The U.S. delegation did not/not officially attest to the Declaration because of reservations to its ICC component and an oblique reference to "occupation" being "contrary to international law." Before viewing the final version of the Declaration which contained the new occupation language, the Embassy officially noted its reservations over the ICC in a brief letter. A UNDP contact not inside the discussions told Pol/Econ Deputy that he believed the ICC language was downplayed primarily because of reservations from Saudi Arabia, which has not signed or ratified the Rome Statute.

Some Controversy Over Participants; Poor Organization

16. (U) The Conference attempted to combine government and non-government participants to foster a dialogue during the conference. Several governmental delegations did not react well to some of the non-governmental participants invited to the Conference. For example, the Egyptian government delegation almost did not attend and ultimately became more low-level with the participation of Saad Eddin Ibrahim. According to conference organizers, the Iranian delegation threatened not to attend should 2003 Nobel Prize winner Shirin Ebadi attend. Note: She did not attend. End Note. Yemeni NGO leaders, opposition parties and journalists also complained of late invitations (the parties were invited three days before the event) and denial of participation of specific NGOs and journalists because of political reasons.

17. (U) The Conference was organized in less than three months, and its specific makeup and design was not finalized until mid-December. Participants were added until the last minute, almost doubling the original estimate of participants to more than 800. Comment: This disorganization caused some problems during the Conference, particularly in terms of logistics. However, several observers expressed surprise that the Conference went as well as it did. End Comment.

Good Rhetoric But What Next?

18. (U) In addition to the Declaration, Conference speeches and interventions were full of language praising human rights and democracy. For example, a speech from a Saudi Arabia government participant noted KSA commitment to move on the democratic path, albeit at a measured pace. ROYG President Saleh -- who invested the conference with high-level support by personally presiding over the opening plenary and closing ceremony -- called democracy a "rescue ship" for autocratic governments.

19. (C) Comment: The interventions of several delegations from autocratic countries praising democracy and human rights were somewhat ironic. e.g., Iran's recent denial of participation from reform candidates. The Conference contained few practical or effective steps to move the region towards democracy and human rights beyond dialogue. However, as the first of Conference of its kind in the region, the event and its Declaration represent an Arab advance in the direction of meaningful principles on democracy and human rights. The Conference did not visibly advance regional support for the ICC. End Comment.
HULL